IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

In Re: WILLIE THOMPSON, JR. **CHAPTER 13**
NO: 16-14434 NPO

MOTION TO VACATE ORDER DISMISSING CASE

COMES NOW, WILLIE THOMPSON, JR., Debtor, by and through undersigned counsel, and files this his Motion to Vacate Order Dismissing Case (Dkt. #83), respectfully showing unto the Court as follows:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on the 20th day of December, 2016 in the above styled and numbered proceeding.

2. Subsequent to the filing of the Petition, Hope Enterprise Corporation ("Creditor") filed a Motion (Dkt. #42) requesting relief from the Automatic Stay.

3. On April 26, 2016, this Court entered its Order on Hope Enterprise Corporation's Motion to Abandon Collateral and Lift Automatic Stay, Motion to Prohibit Use of Cash Collateral, and Objection to Confirmation of Proposed Amended Chapter 13 Plan (Dkt. #78) ("Order Lifting Stay"), wherein this Court held that the relief from the Stay is, "applicable to any subsequent case or cases filed by or against the Debtor under the Bankruptcy Code or upon the conversion of this case to any other Chapter under the Bankruptcy Code."

4. After the entry of the above Order, the Chapter 13 Trustee filed a Motion to Dismiss (Dkt. #79) on the grounds that the Chapter 13 Case is no longer feasible.

5. Thereafter, a Motion for Voluntary Dismissal of Case was filed in behalf of the Debtor, but the Debtor was not made aware that the filing of the motion would preclude his ability to file for relief under Chapter 7 for 180 days.

6. This Court entered its Order Dismissing Chapter 13 Case on Motion of Debtor (Dkt. #83) on the 28th day of April, 2017.

7. In addition to filing for relief under Chapter 7, Debtor is also considering the conversion of the case to a case under Chapter 7, instead of dismissal, and he will make that decision before the Court dismisses the case on the Chapter 13 Trustee's Motion if this Court vacates the Order Dismissing Chapter 13 Case on Motion of Debtor (Dkt. #83).

8. Debtor acknowledges that a re-filed case would not result in the issuance of an Automatic Stay as to Creditor and the real property, which is collateral for Debtor, but the 180 day bar precluding the Debtor's ability to file for relief under Chapter 7 would not apply.

WHEREFORE, Debtor requests the Court vacate the Order Dismissing Chapter 13 Case on Motion of Debtor (Dkt. #83). Debtor prays for such other, further and general relief to which he may be entitled.

Respectfully Submitted,
WILLIE THOMPSON, JR., Debtor

By: /s/ Robert Gambrell

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CERTIFICATE OF SERVICE

I, ROBERT GAMBRELL, Attorney for the above listed Debtors, do hereby certify that the following have been served electronically via ECF the above Motion to Vacate Order Dismissing Case:

Henry G. Hobbs, Jr., Acting U. S. Trustee: USTPRegion05.JA.ECF@usdoj.gov;
Locke D. Barkley, Chapter 13 Trustee: sbeasley@barkley13.com; and
all parties that have entered an appearance requesting service via ECF

Dated this the 8th day of May, 2017.

/s/ Robert Gambrell
ROBERT GAMBRELL